

Message

From: Aviles, Jesse [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=9FEDD63547464C589715A846AFAD05EC-AVILES, JESSE]
Sent: 3/19/2019 1:59:29 PM
To: Rodriguez, Mandi [Rodriguez.Mandi@epa.gov]
CC: Lim, Dianna [Lim.Dianna@epa.gov]
Subject: RE: Review of BFY18 Expenditures for Sites with Open Special Accounts

Hello Mandi:

If the expenditure falls into any of the conditions below, they can be charged to the special account. (paragraph 88 of the 2008 AOC)

- a. First priority shall repay EPA's Past Response Costs at the Site.
- b. Second priority shall reimburse EPA for its oversight costs relating to Denver's work in performing the RI/FS.
- c. Third priority shall pay Denver's costs in conducting the RI/FS at the Site.
- d. Fourth priority shall reimburse EPA for its oversight costs relating to any RD/RA work at the Site.
- e. Fifth priority - if any special account funds remain after all EPA costs have been reimbursed, Denver may apply for funds to pay for RD/RA and O&M work related to the Site.

We currently are in item b. Below is an email exchange about the special account funds at the time it was created.

From: Figur, Charles
Sent: Monday, August 27, 2018 11:57
To: Chalfant, Mark <Chalfant.Mark@epa.gov>; Aviles, Jesse <Aviles.Jesse@epa.gov>
Subject: RE: Question about the ASARCO settlement in relation to Vasquez Boulevard and I-70

Hi Jesse and Mark:

Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)

Chuck

Charles L. Figur

Senior Enforcement Attorney for Hazardous Waste

Audit Policy Coordinator for Region 8

Region 8 Reuse and Redevelopment Legal Contact

Legal Enforcement Program (ENF-L)

U. S. Environmental Protection Agency Region 8

1595 Wynkoop Street, Denver, CO 80202-1129

(303) 312-6915; Figur.Charles@epa.gov

From: Chalfant, Mark

Sent: Monday, August 27, 2018 8:08 AM

To: Aviles, Jesse <Aviles.Jesse@epa.gov>; Figur, Charles <Figur.Charles@epa.gov>

Subject: RE: Question about the ASARCO settlement in relation to Vasquez
Boulevard and I-70

Jesse:

Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)

Thanks, Mark

Mark A.R. Chalfant

Senior Enforcement Attorney | Office of Enforcement, Compliance and
Environmental Justice | U.S. EPA Region 8

National Administrative Litigation Co-Coordinator | Office of Civil Enforcement |
U.S. EPA Headquarters

Work: 303.312.6177 | Fax: 303-312-7202 | chalfant.mark@epa.gov

This email is for the intended recipient only and may contain material that is privileged and/or confidential. If you believe you have received this email in error, please notify the sender. Thank you.

From: Aviles, Jesse

Sent: Friday, August 24, 2018 4:09 PM

To: Figur, Charles <Figur.Charles@epa.gov>; Chalfant, Mark
<Chalfant.Mark@epa.gov>

Subject: Question about the ASARCO settlement in relation to Vasquez Boulevard
and I-70

Hello Charles and Mark:

Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)

Thanks,
Jesse Aviles
Remedial Project Manager
Environmental Protection Agency
Mailcode: OEPR-SR
1595 Wynkoop Street
Denver, CO 80202-1129
303-312-6287
aviles.jesse@epa.gov

From: Rodriguez, Mandi
Sent: Monday, March 18, 2019 14:55
To: Aviles, Jesse <Aviles.Jesse@epa.gov>
Cc: Lim, Dianna <Lim.Dianna@epa.gov>
Subject: Review of BFY18 Expenditures for Sites with Open Special Accounts
Importance: High

Jesse,

Headquarters has provided a spreadsheet with FY18 Expenditures for Sites with Open Special Accounts. Below is a list of sites and expenditures where we would like to replace the “T” Expenditures with the Special Account funds available. Column “C” shows the available balance in the special account and column “D” shows the expenditure that would be charged to the special account. Please let me know if we can in fact use the special accounts. If for some reason we cannot provide me with an explanation on why the special account cannot be used. Please reply NLT 3/20/19 Wednesday. Note that we have identified that Summitville funds cannot be used because we are already using these funds for planned work.

Thanks

Excel 2013 Region VIII 2019 Review 1: Exp Open Spec Accts.xlsx - Excel

File Home Insert Page Layout Formulas Data Review View Help Tell me what you want to do

CS 309345.58

1 **Review of BFY 2018 Appropriated Expenditures for Sites with Open Special Accounts (as of February 26, 2019)**

2 See tab "Instructions" for instructions on columns to complete. See tab "Definitions" for budget object classes, finance object classes, and definitions for standard responses to select if the appropriated expenditure will not be replaced with special account funds.

3 * Available Balance Amount reflects the amount available for the SSID across all special accounts associated with that SSID. Individual account and fund code amounts available can be found in tab "2. Spec Acct Avail Balances" or CHOR.

4

SSID (Site/Spill/Release)	Site Name	Available Balance Amount (Site Level)	Appropriated Expenditure Amount	Budget BOI	BB	Fund	Site/Proj	Cost Or	RP	Org	Program	FC	Greater of Spec Acct Bal or Appropriated Expenditure	Increase/Decrease Line	Reclassify? Select "Yes", "No", "Other" from drop down	If No, Select a Reason from drop down	Increase/Decrease Line
089R	YASQUEZ	\$1,182,166.05	\$479.51	37	2018	T	089RSW00	C001	08	08CMM12	000GF2	2512	\$479.51	Decrease	Yes		
08Y3	SUMMITVILLE MINE	\$1,111,455.38	\$975,982.09	41	2018	T	08Y3LR05	C002	08	8ALDR	000CD2	4185	\$975,982.09	Decrease	No	SA balance for future EPA work	

Ready 2 of 101 records found

Instructions Definitions 1. Lines for Review 2. Spec Acct Avail Balances 3. KV Lines All Data ...

2:53 PM 3/18/2019

Mandi F. Rodriguez
Management & Program Analyst :)
Support Program
Office of Ecosystems Protection & Remediation
Region VIII, Denver CO
303-312-6697
Fax 303-312-6071

"We can't solve problems by using the same kind of thinking we used when we created them" Albert Einstein